

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	
)	
TRICO MARINE SERVICES, INC., et al.,)	Chapter 11 (Confirmed)
Reorganized Debtors)	
)	Case No. 04-17985
)	Jointly Administered
STEVEN SALSBERG and GLORIA)	
SALSBERG,)	Adversary Proceeding
)	No. 05-2313
Plaintiffs,)	
)	
against)	
)	
TRICO MARINE SERVICES, INC., TRICO)	
MARINE ASSETS, INC., and TRICO MARINE)	
OPERATORS, INC.,)	
)	
Defendants.)	
)	

**DEFENDANTS-APPELLEES' COUNTER-DESIGNATION OF
ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL
AND STATEMENT OF ISSUES**

The Defendants-Appellees Trico Marine Services, Inc., Trico Marine Assets, Inc. and Trico Marine Operators, Inc. (collectively, "Trico"), submit, pursuant to Fed. R. Bankr. P. 8006, their designation of additional items to be included in the record on appeal to the United States District Court for the Southern District of New York of this Court's Orders, dated January 6, 2006, May 5, 2006, November 22, 2006, January 16, 2007, and August 23, 2007. Furthermore, Trico respectfully requests, pursuant to Fed. R. Bankr. P. 8006, that Plaintiffs-Appellants' Statement of Issues, dated September 12, 2007, be limited to the issues outlined below.

STATEMENT OF ISSUES ON APPEAL

1. With respect to the Court's **January 6, 2006 Order**, did the Court err when, in its discretion, it concluded that unwinding Trico's substantially consummated Plan of Reorganization (the "Plan") would be too difficult, and a revocation order could not protect innocent third parties such that revocation under 11 U.S.C. § 1144 was precluded?

2. With respect to the Court's **May 5, 2006 Order**, did the Court err when, in its discretion, it concluded that that a revocation order could not restore the *status quo ante*, and a revocation order could not protect innocent third parties such that revocation under 11 U.S.C. § 1144 was precluded?

3. With respect to the Court's **November 22, 2006 Order**, did the Court abuse its discretion when it denied Plaintiffs' motion for leave to amend their Amended Complaint based on its conclusions that Plaintiffs failed to adequately allege that an "officer of the court" perpetrated a fraud at the January 19, 2005 Confirmation Hearing (the "Confirmation Hearing"), and Plaintiffs failed to show that Steven Salsberg had no opportunity to demonstrate the alleged falsity of Trevor Turbidy's testimony at the Confirmation Hearing?

4. With respect to the Court's **January 16, 2007 Order**, did the Court abuse its discretion when it denied Plaintiffs' motion for reargument related to the November 22, 2006 Order based on its reiterated conclusion that Plaintiffs failed to allege and failed to argue that an "officer of the court" perpetrated a fraud at the Confirmation Hearing?

5. With respect to the Court's **August 23, 2007 Order**, was the Court's conclusion that Trevor Turbidy did not make a knowing misstatement with an intent to deceive the Court at the Confirmation clearly erroneous?

**COUNTER-DESIGNATION OF ADDITIONAL ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL**

<u>Document No.</u>	<u>Entered On</u>	<u>Docket No.</u>	<u>Description</u>
1		95 ¹	Transcript of Hearing held on March 14, 2006, Re: Motion To Allow Filing Of Second Supplemental Declaration Of Steven Salsberg filed by Veritext, LLC. (Braithwaite, Kenishia) (Entered: 04/04/2006)
2	06/22/2006	39	Notice of Proposed Order / Notice of Hearing of Stipulation and Agreed Order Between Steven Salsberg and Gloria Salsberg (Plaintiffs) and Trico Marine Services, Inc., Trico Marine Assets, Inc. and Trico Marine Operators, Inc. Extending Time in Which to Answer Amended Complaint (related document(s)33) filed by Lisa Laukitis on behalf of Trico Marine Services, Inc.. with hearing to be held on 6/29/2006 at 10:00 AM at Courtroom 723(SMB) Objections due by 6/28/2006, (Attachments: # 1 Stipulation and Agreed Order)(Laukitis, Lisa) (Entered: 06/22/2006)
3	06/26/2006	41	Stipulation /Stipulation and Agreed Order between Steven Salsberg and Gloria Salsberg (Plaintiffs) and Trico Marine Services, Inc., Trico Marine Assets, Inc., and Trico Marine Operators, Inc. Extending Time in Which to Object to Motion to Amend Complaint (related document(s)39, 33) filed by Lisa Laukitis on behalf of Trico Marine Services, Inc.. (Laukitis, Lisa) (Entered: 06/26/2006)
4	09/28/2006	57	Motion to Amend Caption to Steven Salsberg, Esq. filed by Joseph P. Garland on behalf of Gloria Salsberg, Steven Salsberg. (Attachments: # 1 Stipulation) (Garland, Joseph) (Entered: 09/28/2006)

¹ The March 14, 2006 transcript was entered as docket no. 95 in the lead bankruptcy case, chapter 11 case no. 04-17985 (SMB).

<u>Document No.</u>	<u>Entered On</u>	<u>Docket No.</u>	<u>Description</u>
5	10/13/2006	58	So Ordered Stipulation and Agreed Order Signed on 10/13/2006 Between Steven Salsberg and Gloria Salsberg (Plaintiffs) and Trico Marine Services, Inc., Trico Marine Assets, Inc. and Trico Marine Operators, Inc. Modifying the Caption in this Adversary Proceeding (related document(s)57). (Epps, Juanita) (Entered: 10/13/2006)
6	12/01/2006	60	Stipulation and Agreed Order Between Steven Salsberg and Gloria Salsberg (Plaintiffs) and Trico Further Extending Time in Which to Answer Amended Complaint (related document(s)33) filed by Matthew Solum on behalf of Trico Marine Services, Inc.. (Solum, Matthew) (Entered: 12/01/2006)
7	12/05/2006	64	So Ordered Stipulation and Agreed Order signed on 12/4/2006 Further Extending Time in Which to Answer Amended Complaint. (Parks, Maria) (Entered: 12/05/2006)
8	03/19/2007	69	MEMO ENDORSED RE: The Court declines the request to conduct a pre-deposition conference, particularly since there is little that Salsberg could testify to beyond the issue of his own (and his co-plaintiff's) standing. SO ORDERED: 3/19/2007. (Epps, Juanita) (Entered: 03/19/2007)
9	07/19/2007	88	Letter Seeking to Reopen Record and Permit Discovery filed by Joseph P. Garland on behalf of Gloria Salsberg, Steven Salsberg. (Garland, Joseph) (Entered: 07/19/2007)
10	07/25/2007	91	So Ordered MEMO ENDORSED Signed on 7/25/2007 The Relief Requested is Denied without Prejudice in Reference to Letter from Steven Salsberg. (Epps, Juanita) (Entered: 07/25/2007)

Dated: New York, New York
September 24, 2007

Respectfully submitted,

/s/ Matthew Solum

Matthew Solum (MS 1616)

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